

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

v.

Case No. 17-C-70

WAL-MART STORES EAST LP,

Defendant.

ORDER

Plaintiff Equal Employment Opportunity Commission (EEOC) brought this action against Defendant Walmart Stores East LP on behalf of a former employee with Down Syndrome, Marlo Spaeth, alleging discrimination under Title I of the Americans with Disabilities Act of 1990 (ADA) and Title I of the Civil Rights Act of 1991. During the course of the four-day jury trial, Walmart moved for directed verdict pursuant to Federal Rule of Civil Procedure 50. The Court deferred ruling on the motion and submitted the claims to the jury. The jury returned a verdict in favor of the EEOC on July 15, 2021.

Under Rule 50, a party must make a motion for judgment as a matter of law before a case is submitted to the jury. If the judge defers ruling on the motion and the jury returns a verdict against the movant, the party may renew the motion under Rule 50(b). Because the Court submitted the EEOC's claims to the jury, Walmart's Rule 50(a) motion is denied without prejudice to its right to raise the issues again in accordance with Rule 50(b).

SO ORDERED at Green Bay, Wisconsin this 22nd day of February, 2022.

s/ William C. Griesbach

William C. Griesbach
United States District Judge